

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
BALTIMORE DIVISION**

JASON ALFORD *et al.*,

Plaintiffs,

v.

THE NFL PLAYER DISABILITY &  
SURVIVOR BENEFIT PLAN *et al.*,

Defendants.

Case No. 1:23-cv-00358-JRR

**DEFENDANTS' JOINT RULE 12(b)(6) MOTION TO DISMISS  
PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT**

Defendants the NFL Player Disability & Survivor Benefit Plan, the NFL Player Disability & Neurocognitive Benefit Plan, the Bert Bell/Pete Rozelle NFL Player Retirement Plan, the Disability Board of the NFL Player Disability & Neurocognitive Benefit Plan, Larry Ferazani, Jacob Frank, Belinda Lerner, Sam McCullum, Robert Smith, Hoby Brenner, and Roger Goodell hereby move to dismiss the Amended Class Action Complaint filed by Plaintiffs Jason Alford, Daniel Loper, Willis McGahee, Michael McKenzie, Jamize Olawale, Alex Parsons, Eric Smith, Charles Sims, Joey Thomas, and Lance Zeno on behalf of themselves and all others similarly situated. For the reasons stated in the accompanying Memorandum in Support of Defendants' Joint Rule 12(b)(6) Motion to Dismiss Plaintiffs' Amended Class Action Complaint, the Amended Class Action Complaint should be dismissed in its entirety and with prejudice because Plaintiffs fail to state a claim for any violation of the Employee Retirement Income Security Act ("ERISA").

WHEREFORE, Defendants respectfully request dismissal of the Amended Class Action Complaint.

Date: June 27, 2023

/s/ Gregory F. Jacob

Gregory F. Jacob (D. Md. Bar No. 06769)  
Meredith N. Garagiola (*pro hac vice*)  
O'MELVENY & MYERS LLP  
1625 Eye Street, N.W., 10th Floor  
Washington, DC 20006  
Telephone: (202) 383-5300  
Facsimile: (202) 383-5414  
Email: gjacob@omm.com  
Email: mgaragiola@omm.com

Elizabeth L. McKeen (*pro hac vice*)  
O'MELVENY & MYERS LLP  
610 Newport Center Drive, 17th Floor  
Newport Beach, CA 92660  
Telephone: (949) 823-6900  
Facsimile: (949) 823-6994  
Email: emckeen@omm.com

*Attorneys for Defendants The NFL Player  
Disability & Survivor Benefit Plan, The  
NFL Player Disability & Neurocognitive  
Benefit Plan, The Bert Bell/Pete Rozelle  
NFL Player Retirement Plan, and The  
Disability Board of the NFL Player  
Disability & Neurocognitive Benefit Plan*

Respectfully submitted,

/s/ Stacey R. Eisenstein

Stacey R. Eisenstein (D. Md. Bar No. 30616)  
Nathan J. Oleson (D. Md. Bar No. 16678)  
Amanda S. McGinn (*pro hac vice*)  
AKIN GUMP STRAUSS HAUER & FELD  
LLP  
2001 K Street, N.W.  
Washington, DC 20006  
Telephone: (202) 887-4000  
Facsimile: (202) 887-4288  
Email: seisenstein@akingump.com  
Email: noleson@akingump.com  
Email: amcginn@akingump.com

/s/ Eric Field

Eric Field (*pro hac vice*)  
LITTLER MENDELSON P.C.  
815 Connecticut Avenue, N.W., Suite 400  
Washington, DC 20006  
Telephone: (202) 842-3400  
Facsimile: (202) 842-0011  
Email: efield@littler.com

*Attorneys for Defendants Larry Ferazani,  
Belinda Lerner, Jacob Frank, and Roger  
Goodell*

/s/ Matthew M. Saxon

Matthew M. Saxon (D. Md. Bar No. 19604)  
William G. Miossi (*pro hac vice*)  
John Harding (*pro hac vice*)  
Spencer Churchill (*pro hac vice*)  
WINSTON & STRAWN LLP  
1901 L Street, N.W.  
Washington, DC 20036  
Telephone: (202) 282-5000  
Facsimile: (202) 282-5100  
Email: msaxon@winston.com  
Email: wmiossi@winston.com  
Email: jwharding@winston.com  
Email: schurchill@winston.com

*Attorneys for Defendants Sam McCullum,  
Robert Smith, and Hoby Brenner*

**CERTIFICATE OF SERVICE**

I, Gregory F. Jacob, hereby certify that on June 27, 2023, I caused a copy of the foregoing document to be served upon all counsel of record via the CM/ECF system for the United States District Court for the District of Maryland.

/s/ Gregory F. Jacob  
Gregory F. Jacob